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Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City NY 11530

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OFFICE OF PETITIONS

In re Application of	:	
Justin Stephen Bryans et al.	:	
Application No. 09/889,465	:	
Filed: July 17, 2001	:	DECISION ON PETITION
Attorney Docket No.: A0000151-	:	UNDER 37 C.F.R. §1.182
01-	:	
Title: BRANCHED CHAIN AMINO	:	
ACID-DEPENDENT AMINOTRANSFERASE	:	
INHIBITORS AND THEIR USE IN THE	:	
TREATMENT OF DIABETIC	:	
RETINOPATHY	:	

This is in response to the petition filed August 16, 2005, under 37 C.F.R. §1.182, requesting the withdrawal of a non-extendable period for response. The petition fee has been charged to Petitioner's Deposit Account, as authorized in the petition.

The Office regrets the delay in issuing this decision.

A notice of allowance and issue fee due was mailed on April 21, 2004, and the issue fee was received on July 15, 2004. On April 27, 2005, the Office mailed a notice to file corrected application papers - notice of allowance mailed, indicating that a structure on the bottom of page 89 of the specification was missing data. The notice set a 30-day period for response, and indicated that this period for response was "NOT (emphasis included) extendable under 37 CFR 1.136(a) or (b)."

Petitioner has filed the present "petition under 37 C.F.R. §1.182 for withdrawal of non-extendable deadline requirement," so that the submission of the corrected application paper may be

considered timely when submitted along with a three-month extension of time.

37 C.F.R. §1.182 provides a manner by which practitioners may petition the Commissioner for all situations which are not specifically otherwise provided for in the regulations. Petitioner will note that this matter is provided for in 37 C.F.R. §1.136(a)(1)(i), which expressly indicates that an applicant is entitled to seek extensions of time, unless "applicant is notified otherwise in an Office action." With the present case, Applicant was notified in an Office action that the period for response was not extendable. Furthermore, 37 C.F.R. §§1.137(a) and (b) each provide a manner by which practitioners may seek the revival of an application which became abandoned for failure to submit a reply within the prescribed time period.

As such, this matter is provided for in the regulations, and the petition under 37 C.F.R. §1.182 is **DISMISSED AS INAPPROPRIATE**.

The three-month extension of time Petitioner has submitted with this petition cannot be accepted, and will be refunded to Petitioner's Deposit Account in due course. The petition fee of \$400 will not be refunded however, as this petition was not necessitated by any error on the part of the Office.

Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (b). No assurance can be made that any remedy will be forthcoming.

Any subsequent petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail¹, hand-delivery², or facsimile³.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Cc: DORIGO, ANDREA
Pfizer, Inc.
150 E. 42nd Street
New York, NY 10017